

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TIMOTHY LEWIS,

Plaintiff,

v.

**PAM GRUBMAN ,
and WILLIAM REES,**

Defendants.

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Civil No. **03-635 - CJP**

ORDER

PROUD, Magistrate Judge:

Before the Court is a pleading filed by plaintiff which he has titled “Statement of Claim: Deliberate Indifference.” (**Doc. 140**).

After a two-day trial, the jury returned a verdict in favor of defendants Grubman and Rees on February 11, 2009. **See, Doc. 131.** On March 18, 2009, plaintiff filed a pro se motion in which he asked this Court to “reverse” the jury’s verdict and to extend the time for filing a notice of appeal. The Court considered the motion under **Fed.R.Civ.P. 60**, and found that it did not present grounds for relief from the judgment. The Court also extended the time for filing a notice of appeal to April 13, 2009. **See, Doc. 138.** The instant pleading was mailed by plaintiff on April 10, 2009.

Although it is not labeled as such, the Court construes **Doc. 140** as a Notice of Appeal. This construction is warranted because plaintiff sought an extension in which to file a notice of appeal, **Doc. 140** was filed within the extension, and the relief sought by plaintiff is that the case “be reversed and remanded for a new trial.” **Doc. 140, p. 3.** Further, plaintiff’s certificate of

service refers to a notice of appeal, and states that he will be filing a motion for leave to proceed in forma pauperis.

For the foregoing reasons, the Court directs the Clerk of Court to docket and process Doc. 140 as a Notice of Appeal.

IT IS SO ORDERED.

DATED: April 17, 2009.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE